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MARSHALL, O'TOLE

No. 5373 P. 5/8

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PATENT APPLICATION  
DOCKET NO. 27866/32663

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masinovsky et al.

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For: Methods for Using Agents that Bind  
to VCAM-1 (Amended Title)

Registration No. 33,547  
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Group Art Unit: 1806

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Examiner: P. Gabel, Ph.D.

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AMENDMENT AND FIRST SUBMISSION UNDER 37 C.F.R. §1.129(a)

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a first submission under 37 C.F.R. §1.129(a) after the final Office Action mailed March 20, 1997 (the "final Action") in the above-identified application. Applicants submitted an amendment and response to the final Action on August 20, 1997 (Paper No. 24). In an Advisory Action mailed September 4, 1997, the Examiner maintained the rejection of claims 30-33 under 35 U.S.C. §112, first paragraph, and refused to enter Applicants' amendment in Paper No. 24. Reconsideration is respectfully requested in light of the following further amendments and remarks.

This submission is timely filed because a petition for a third month extension of time is filed herewith (a petition for a two month extension of time having been previously submitted with Paper No. 24). Pursuant to the transitional procedures under 37 C.F.R. §1.129(a), Applicants are entitled to withdrawal of the finality of the Action and consideration of this submission because this application has been pending for at least two years as of June 8, 1995, taking into account references made in this